Attorney Docket No. 15327.0001US01

#### MERCHANT & GOULD P.C.

#### United States Patent Application

#### COMBINED DECLARATION AND POWER OF ATTORNEY

PADE Elow named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: USE OF THE BNM3 TRANSCRIPTIONAL ACTIVATOR TO CONTROL PLANT EMBRYOGENESIS AND REGENERATION PROCESS

	pecification of w				
a. 🔲	is attached heret	o ,			
b. 🖂	was filed on	as application serial no.	and was amended on	(if applicable) (in the case of a PCT-f	
appli	cation) described	and claimed in international	no. PCT/CA00/00642	filed June 2, 2000 and as amended on	(if any)
which	n I have reviewed	and for which I solicit a Un	ited States patent.		

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

	no such applications have been filed.
b. 🔀	such applications have been filed as follows:

· <del></del>	FOREIGN APPLICATION(S), IF ANY	CERTIFICATION OF COMPANY	
COUNTRY	APPLICATION NUMBER	DATE OF FILING	DATE OF ISSUE
		(day, month, year)	(dny, month, year)
EPO	99201745.9	2 June 1999	
	ALL FOREIGN APPLICATION(S). IF ANY,	fnled before the priority	APPLICATION(S)
COUNTRY	APPLICATION NUMBER	DATE OF FILING	DATE OF ISSUE
		(day, month, year)	(day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

#### § 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application:
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby appoint the attorney(s) and/or patent agent(s) associated with the following customer number to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

23552
PATENT TRADEMARK OFFICE

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys.

Please direct all correspondence in this case to customer number 23552.

WAY-73-06 18:25

FROM-Merchant & Gould

6123329081

T-614 P.013/014 F-012

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 o Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

ı	Full Name	Family Name	First Given Name	Second Given Name
	Of Javeutor	Boxtler	Kim	
	Residence	City B	State or Foreign Country	Country of Citizenship
	& Citizenship	Wasselman.	NETHERLANDS	CANADA
		De Meern		LR State & Zip Code/Country
	Mailing	Address (B)	City	State & Zip Code/Country  NE-6202 (NETHERLANDS
	Address	GEEUW 16	DeMeerr	NL-3453ML
gn	ature of Investor 20		Di	ato: 08.06-2006
	Full Name	Pamily Name	First Given Name	Second Given Name
	Of Inventor	Ouellet	Thates	
	Residence	City	State or Foreign Country	Connery of Citizenship CANADA
	& Citizenship	Nepean	Onterio	Stare & Zip Code/Country
	Mailing	Address	City	Ontario K2J 307 / CANADA
	Address	115 Kennevale Drive	Nepean	ate:
igı	nature of Inventor 2	02:		
_	Full Name	Family Name	First Given Name	Second Given Name
	Of Inventor	Custers	Jen	
				a su contra contra
)	Residence	City	State or Foreign Country	Country of Citizenship NETHERLANDS
	& Citizenship	Wageningen	NETHERLANDS	State & Zip Code/Country
5	Mailing	Addres	City Wageningen	NL-6703 BL / NETHERLANDS
·	Address nature of Inventor	Gen. Foulkerweg 25		late:
143	nature of inventor.			
	Full Name	Femily Name	First Given Name	Second Given Name
2	Of Inventor	Hattori	Jiro	
,	Residence	City	State or Foreign Country	Country of Citizenship
	& Citizenship	Ottawa	Ontario	IAPAN
ı	Mailing	Address	City	State & Zip Code/Country
	Address	763 Halstend Street	Ottawa	Ontario KIG 1M5 / CANADA
Się	nature of Inventor	204:	] *	Opic:
=	Full Name	Family Name	First Givon Name	Second Given Name
2	Of Inventor	Mild	Brian .	
0	Residence	City	State or Foreign Country	Country of Citizenship
-	& Citizanthip	Onews	Ontario	CANADA
5	Mailing	Address	City	State & Zip Code Country
_	Address	1876 Dorset Drive	Ottawa	Omurio K1H 5V1 / CANADA
_	motore of Inventor	205.		Date:



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 or Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

ı	Fell Name Of Javester	Sandly Name Bootler	First Given Name Kim		Second Given Name
-	Raddenex & Citienside	City Waganhagea	State of Persita Capital NETHERLANDS	7	Country of Citizenship CANADA
+	Malling Address	Address Gross was Primate secret 87	City Wagenigen		State & Zip Code/Country NL-6702 CP / NETHERLANDS
	pure of investor 2	Mi		Date:	
			Pirst Given Reme		Secrets Given Name
ļ	Full Name	Family Name	Toriba		ļ
	Of Inventor	Cuellet			
	Residence	City	States or Foreign Coursello	idry	Country of Citizenship CANADA
	& Catamaria	Naposin	Cly		State & Zip Code/Country
	Midling	Address	Nepesti		Outerio E2J 3X7 / CANADA
	Address start of Investor	115 Kemerale Drive		Dates	2,200e
		rga	First Gives Name		Becord Given Name
	Fell (fame Of Inventor	Family Name Custor	Jes		1
	Ol Distance	CIBICA			
	Raddence	City	State or Moreiga Cou	Stry	Country of Citimoship
	& Citizentale	Wagoningen	NETHERLANDS		NETHERLANDS
,	Mailing	Address	City		State & Zip Code/Country
	Address	Can. Foullasweg 25	Wagoningou		NL-6703 BL/NETHERLANDS
	nature of leventhr	<b>203:</b>	·	Dutes	
	Null Name	Family Name	First Gyes Name		Second Given Name
2	Of Javenber	History	žiro:		
	0. 2.				
,	Residence	City	State or Foreign Con	الحبي	Country of Chizanship
	& Citizentido	Ottawa	Ontatio	<del>, , , , , , , , , , , , , , , , , , , </del>	JAPAN
4	Mailling	Address	Clay		State & Zip Code/Country Outsito K10 1M5/CANADA
	Address	761 Halsused Street	Orderwa	Dame	OBBRACKIO IEES/ CAROLATE
Sig	nature of Investor	204:		Date	
٠.	Full Name	Farsily Name	First Gives Name		Second Great Rame
2	Of Leventer	MOd	Brist		
-					
•	Residence	City	State or Fereign Co	matry	Country of Chineship
-	& Chizantip	4 · •	Ontario		CANADA
5	Malling	Address	City		State & 21p Code/Country
-	Address	1876 Duvel Drive	Otteva		Outurio KIH 5VI / CANADA
_	pressure of Levisans		·	Date:	

Jun 2, 2006

NO. 0083 P. 8

.16:25 FROM-Merchant & Gould

6123328091

T-614 P.013/014 F-012

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge t willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 100 Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

	Full Name Of Inventor	Family Name Boudler	First Given Name Kim	Seend Given	Name
	Residence & Citizenship	City Wagenizgen	State or Foreign Country NETHERLANDS	Cauntry of Ci CANADA	tizenship
	Mailing .	Address	City	State & Zip C	
•	Address	Groen van Prinsurestraat 87	Wagenigen	NL-6702 CF7	NETHERLAND:
Sign	ature of Luvestor Z	01:		Date:	
	Full Name	Family Name	First Given Name	Second Given	Name
2	Of Inventor	Ouellet	Thereso		
Đ	Residence	City	State or Foreign Country	Country of C	qidanasiri
•	& Citizenship Mailing	Nepean Address	City	State & Zip (	
2	Address	115 Kennevale Drive	Nepean	1	X7/CANADA
Sign	uture of Inventor 2	02:	· .	Date:	
2	Fall Name Of Inventor	Family Name Custers	First Given Name	Second Give	Name
٥	Residence	City	State or Pareign Country	Country of C	
	& Clüzenship	Wageningen	NETHERLANDS	NETHERLA	Code/Caustry
3	Mailing Address	Address Gen. Foulkesweg 25	City Wageningen		/ NETHERLAN
Slg	pature of Inventor			Date: Mane	6, 2006
	Full Name	Family Name	First Given Name	Second Give	n Name
2	Of Loventor	Hattori	Jiro		
D	Residence & Citizenship	City Ottawa	State or Foreign Country	Country of C	Citizenship
4	Mailing	Address	City		Code/Country 1M5/CANADA
Sie	Address	763 Halstead Street 204:	Ottawa	Date:	
			Firm Given Name	Second Give	en Nome
2	Full Name Of Investor	Family Name Miki	Brian		
Q	Residence	City	State or Foreign Country Ontario	Country of CANADA	Citizenskip
5	& Crizenship Mailing	Address	City	State & Zip	Code/Constry
1	Address	1876 Dorset Drive	Ortews	Uniano Kir	TOALL CUNVIDI

Men

Mine 6, 2006

FROM-Marchant & Gould

6122228081

T-614 P.013/014 F-012

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 o Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

	Full Name Of Investor	Family Name Bootiler	First Given Name Kim		
	Residence & Citizenship	City Wageningon	State or Foreign Country NETHERLANDS	State or Foreign Country NETHERLANDS	
	Malling Address	Address Groen van Prinstanstraat 87	City Wagenigan	1 *	
gn	ature of Lavestor 2	01:		Date:	
	Full Name Of Inventor	Family Name Ouellet	First Given Name Therese		Second Given Name
	Residence	City Nepsan	State or Foreign Country Ontario	у	Conntry of Citizenship CANADA
	& Citizenship Muiling Address	Address 1)5 Kennevale Drive	Clty Nepean	CIA	
ige	ature of Inventor 2			Date:	
_	Fall Name Of Inventor	Family Name Cusure	First Given Name Jan		Second Given Name
)	Residence	City Wageningen	State or Fereign Country NETHERLANDS	State or Foreign Country NETHERLANDS	
ļ	& Cidzenship  Mailing  Address	Address Gen. Foulkerweg 25	City Wageningen		State & ZIp Code/Country NL-6703 BL / NETHERLAND
) jig	mature of laventer :			Dates	
2 .	Bull Name Of Inventor	Family Namo Hatteri	First Given Name Jiro		Second Given Name
,	Residence & Citizenship	City Ottawa	State or Foreign Count Ontario	77	Country of Crizzoship JAPAN
4	Mailing Address	Address 763 Halstead Street	. City Onewa	Omewa	
Sig	antare of Juventor	204: ()i /at	Un .	Dane:	006- Jane 05
<del>-</del> 2	Full Name Of Inventor	Family Name Mind	Firm Given Name Brian		Second Given Name
0	Residence	City	State or Foreign Count	bry	Country of Citizenship CANADA
5	& Citizenship Malling Address	Address 1876 Dorset Drive	City Ottzwa		State & Zip Code/Country Ontario KIH 5VI / CANADA
	enature of Loventor			Date:	

J.H. 2006-June 05

7-28-06 .16:25

FROM-Marchant & Gould

6123329001

T-614 P.013/014 F-012

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

esidence Citizanship (aling ddress  re of Inventor 20  full Name If Inventor  Residence 2 Citizenship Mailing Address  re of Inventor 20  Full Name Full Name	Femily Name Outilit  City Nepton Address 115 Kennevale Drive 02:	State or Forcing Country NETHERLANDS  City Wagenigen  First Given Name Thorse State or Forcing Country Onurio  City Nepeon	Date:	Country of Citizenship CANADA  Siste & Zip Code/Country NL-6702 CP / Notherlands  Second Given Name  Country of Citizenship CANADA  State & Zip Code/Country Ontario K22 3X7 / CANADA
ddress  re of Investor 20  full Name  of Inventor  leaidence  be Citizenship  Mailing  Address  re of Inventor 20	Groen van Pringtsreatrant 87  It  Femily Name Outliet  City Nepean Address 115 Kennevale Drive  D2:	Wagenigen  First Given Name Thomse State or Foreign Country Onunio City		NL-6702 CP / Notherlands  Second Given Name  Country of Citizenship CANADA  State & Zip Code Country
ull Name If Inventor Residence & Cittzenship Mailing Address are of Inventor 20	Femily Name Outliet City Nepton Address 115 Kennevale Drive 02:	State or Portion Country Onusio City		Country of Citizenship CANADA State & Zip Code Country
ull Name If Inventor  lenidence b Clitzenship Mailing Address re of Inventor 20	Femily Name Outilit  City Nepton Address 115 Kennevale Drive 02:	State or Portion Country Onusio City	Date:	Country of Citizenship CANADA State & Zip Code Country
of Inventor  Lexidence  Lexidence	Ouellet  City Nepeun Address 115 Kennevale Drive 02:	State or Portion Country Onusio City	Date:	Country of Citizenship CANADA State & Zip Code Country
k Citizenship Mailing Address we of Investor 20	Nepton Address 115 Kennevale Drive 02:	Ontario	Date:	CANADA State & Zip Code/Country
Mailing Address we of Investor 20	Address 115 Kennevale Drive 02:	_ · ·	Date:	•
re of Inventor 20	02:		Date:	-
Fall Name			1	
kon name	Family Name	First Given Name		Second Given Name
Of Inventor	Custors Custors	Jen		
Residence	City	State or Foreign Country NETHERLANDS	<u> </u>	
Maillog	Address	City		State & Zip Code/Country NL-6703 HL / NETHERLAND
			Datei	
Rall Name	Family Name	First Given Name		Second Given Name
Of Inventor	Estrori	Jiro .		
Residence	City	Stare or Foreign Country Ontario		Country of Citizenship IAPAN
Malling	Address	City Onewa		Sente & Zip Code/Country Omerio KIG 1M5 / CANADA
			Date:	
Full Name Of Inventor	Family Name Mūd	First Given Name Brian	- 1 n can j jin	Second Given Name
Residence	Gty			Country of Citizenship CANADA
Malileg	Address	-GIV		State & Zip Code/Country Onterio K1H 5V1 / CANADA
	Citizanalip  Anillog  Address  re of Inventor  Foll Name  Of Inventor  Residence  E Crizenalip  Malling  Address  Full Name  Of Inventor  Residence  & Citizenalip  Malling  Address  Full Name  Of Inventor  Residence  & Citizenalip  Malling  Address  Address  Address	Citizenship Wageningen  Address Gen. Foulkesweg 25  re of layenter 203;  full Name Family Name Of Inventor Estuari  Residence City Cerrisenship Ottava  Malling Address 763 Halstead Street  are of Inventor 204:  Full Name Family Name Of Inventor Mild  Residence City Crizenship Ottava  Address 763 Halstead Street  Gre of Inventor 204:  Full Name Of Inventor City City City City City City City City	Clipanship Wageningen NETHERLANDS  Adillag Address Cen. Foulkesweg 25  Foll Name Family Name First Givan Name Of Inventor Esturi States  Malling Address City States Ontario  Malling Address City Ontario  For of Inventor 204:  Full Name Family Name First Givan Name Milling Address 763 Halstead Street Ontario  Of Inventor Mild First Givan Name Milling Address Formily Name Milling Address City Ottawa  Contario Country  City Ottawa  Milling Address City Country  Ottawa  Milling Address City Country  City Ottawa  Milling Address City Country  Country  Country  City Country  Country  City Country  Country  Country  City Country  Country  Country  City Country  Country  City Country  Country  Country  Country  City Country  Country  Country  Country  City Country  Country  Country  City Country  Country  City Country  Country  Country  City Country  Country  Country  City Country  Country  City Country  Country  City Country  Country  Country  Country  Country  Country  Country  City Country  Co	City  Address  Gen. Foulkesweg 25  Tetal Name  Of Inventor  Estimate  City  City  Mageningen  Date:  Date:  The Civan Name  Of Inventor  Estimate  City  Conscious Construct  City  Conscious Construct  Malling  Address  763 Halstead Street  City  Conscious City  Conscious City  City

12/1. Gax 05,2000

26. JUN. 2006 11:45

45 VRIESENDORP&GAADE +31 70 3615957
FROM Merchant & Could 8123329081

<b>2</b> .	Full Name Of Inventor	Family Name Vm Lookeren Campagne	First Given Name Michiel	Second Given Nume
0	Residence	City	Sman or Foreign Country Belgium	Country of Cithership NETHERLANDS
5	& Chineskip Maifleg	Address	City	State & Zip Code/Country B-9880 / BELGILM
91 <del>0</del>	Address	Elecular Joseph 4	Date	3 june 12006

# This Page is Inserted by IFW Indexing and Scanning Operations and is not part of the Official Record

### **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

□ BLACK BORDERS
□ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
□ FADED TEXT OR DRAWING
□ BLURRED OR ILLEGIBLE TEXT OR DRAWING
□ SKEWED/SLANTED IMAGES
□ COLOR OR BLACK AND WHITE PHOTOGRAPHS
□ GRAY SCALE DOCUMENTS
□ LINES OR MARKS ON ORIGINAL DOCUMENT
□ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY

## IMAGES ARE BEST AVAILABLE COPY.

OTHER:

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.